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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,841	02/05/2004	Christopher Arnold Pratt	067083.0263	5986
26231	7590	06/09/2006	EXAMINER	
FISH & RICHARDSON P.C.			STEPHENSON, DANIEL P	
P.O. BOX 1022			ART UNIT	
MINNEAPOLIS, MN 55440-1022			PAPER NUMBER	

3672

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/772,841	Applicant(s) PRATT, CHRISTOPHER ARNOLD	
	Examiner Daniel P. Stephenson	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 37-71 is/are pending in the application.
4a) Of the above claim(s) 41-50, 57, 59 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 37-39, 51-56, 58, 61-64 and 66-71 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 40 and 65 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/04, 2/23/04, 3/8/04, 8/20/04, 4/5/05, 5/12/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. It is noted that applicant elected Group I without traverse. However, claim 60 is dependent from a withdrawn claim, 59, and is also considered by the examiner to be withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmer et al. '648. Ohmer et al. '648 (Fig. 11) discloses a system for lining a lateral wellbore. It has a main casing (12) having a lateral wellbore window formed therein disposed within a main wellbore. There is a whipstock (18) having a longitudinal bore running through and disposed within the main wellbore adjacent the lateral wellbore window. The whipstock has a deflecting surface for forming a lateral wellbore through the lateral wellbore window. There is a tie-back assembly (28) operable to dispose a lateral liner within the lateral wellbore. The tie-back assembly has a tie-back window formed therein and when the tie-back assembly is disposed into the main wellbore, the lateral liner and a portion of the tie-back assembly are deflected into the lateral wellbore by the deflecting surface. The tie-back window aligns with the longitudinal bore of the whipstock when in place. There is a latching mechanism (46) operable to couple the whipstock to an inside surface of the main casing and align the deflecting surface with the lateral

Art Unit: 3672

wellbore window. The longitudinal bore of the whipstock is concentric with an outside diameter of the whipstock. The deflecting surface extends around the full perimeter of the whipstock.

4. Claims 1-3, 6, 7, 9, 11, 37, 38, 51 and 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Gano et al. '771. Gano et al. '771 (Fig. 7 and 18) discloses a system for lining a lateral wellbore. It has a main casing having a lateral wellbore window formed therein disposed within a main wellbore. There is a whipstock (234) having a longitudinal bore running through and disposed within the main wellbore adjacent the lateral wellbore window. The whipstock has a deflecting surface for forming a lateral wellbore through the lateral wellbore window. There is a tie-back assembly (242) operable to dispose a lateral liner within the lateral wellbore. The tie-back assembly has a tie-back window formed therein and when the tie-back assembly is disposed into the main wellbore, the lateral liner and a portion of the tie-back assembly are deflected into the lateral wellbore by the deflecting surface. The tie-back window aligns with the longitudinal bore of the whipstock when in place. The tie-back assembly is coupled (62) to the casing. There is a latching mechanism (32b) operable to couple the whipstock to an inside surface of the main casing and align the deflecting surface (372) with the lateral wellbore window. The longitudinal bore of the whipstock is concentric with an outside diameter of the whipstock. The deflecting surface extends around the full perimeter of the whipstock. It is inferred from the figures that the liner has an outside diameter that is larger than the diameter of the longitudinal bore.

5. Claims 1-3, 7, 9-11, 37, 38 and 51-56 are rejected under 35 U.S.C. 102(b) as being anticipated by LaGrange '320. LaGrange '320 (Fig. 2, 5 and 12, col. 19 lines 10-17) discloses a system for lining a lateral wellbore. It has a main casing (28) having a lateral wellbore window formed therein disposed within a main wellbore. There is a whipstock (36) having a longitudinal

Art Unit: 3672

bore running through and disposed within the main wellbore adjacent the lateral wellbore window. The whipstock has a deflecting surface (46) for forming a lateral wellbore through the lateral wellbore window. There is a tie-back assembly (20) operable to dispose a lateral liner within the lateral wellbore. The tie-back assembly has a tie-back window formed therein and when the tie-back assembly is disposed into the main wellbore, the lateral liner and a portion of the tie-back assembly are deflected into the lateral wellbore by the deflecting surface. The tie-back window aligns with the longitudinal bore of the whipstock when in place. The tie-back assembly is coupled (90) to the casing. There is a latching mechanism (44) operable to couple the whipstock to an inside surface of the main casing and align the deflecting surface (46) with the lateral wellbore window. The longitudinal bore of the whipstock is concentric with an outside diameter of the whipstock. The liner has an outside diameter that is larger than the diameter of the longitudinal bore. The system can be used to line a wellbore sequentially with multiple liners.

6. Claims 1-3, 7, 9-11, 37, 38 and 51-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Baugh et al. '108. Baugh et al. '108 (Fig. 16) discloses a system for lining a lateral wellbore. It has a main casing (154) having a lateral wellbore window formed therein disposed within a main wellbore. There is a whipstock (164) having a longitudinal bore running through and disposed within the main wellbore adjacent the lateral wellbore window. The whipstock has a deflecting surface for forming a lateral wellbore through the lateral wellbore window. There is a tie-back assembly (150) operable to dispose a lateral liner within the lateral wellbore. The tie-back assembly has a tie-back window (160) formed therein and when the tie-back assembly is disposed into the main wellbore, the lateral liner and a portion of the tie-back

Art Unit: 3672

assembly are deflected into the lateral wellbore by the deflecting surface. The tie-back window aligns with the longitudinal bore of the whipstock when in place. The tie-back assembly is coupled (156) to the casing. There is a latching mechanism (168,166) operable to couple the whipstock to an inside surface of the main casing and align the deflecting surface (46) with the lateral wellbore window. The longitudinal bore of the whipstock is concentric with an outside diameter of the whipstock. The liner has an outside diameter that is larger than the diameter of the longitudinal bore. The system can be used to line a wellbore with multiple liners (col. 1 lines 15-19).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 39 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gano et al. '771, LaGrange '320 or Baugh et al. '108. It is officially noticed that in the wellbore art it is notoriously conventional to use casings and liners of various sizes depending on the requirements of the wellbore. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a casing of ~5.5 inches diameter and a liner of ~4.75 inches diameter. This would be done when the size of the formation required it.

9. Claims 61-63 and 66-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gano et al. '771, LaGrange '320 or Baugh et al. '108 in view of Zupanick '000. Gano et al. '771, LaGrange '320 or Baugh et al. '108 show all the limitations of the claimed invention,

Art Unit: 3672

except, they do not disclose that the multilaterals are drilled into one formation of coal.

Zupanick '000 (Fig. 3) discloses drilling multiple lateral wells into a coal formation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to drill into coal as shown in Zupanick '000 and line the wells with the system of Gano et al. '771, LaGrange '320 or Baugh et al. '108. This would be done to provide reinforcement in multilaterals of coal, which can be a looser formation type.

10. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gano et al. '771, LaGrange '320 or Baugh et al. '108 in view of Zupanick '000 as applied to claim 62 above, and further in view of the pre-grant publication '319 to Brunet. Gano et al. '771, LaGrange '320 or Baugh et al. '108 in view of Zupanick '000 shows all the limitations of the claimed invention, except, they do not disclose that there is a swivel between the liner and the tie-back assembly. Brunet '319 (fig. 3) discloses a swivel (165) that joins a liner and a tie-back assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the swivel of Brunet '319 on the apparatus of Gano et al. '771, LaGrange '320 or Baugh et al. '108 in view of Zupanick '000. This would be done to allow for rotation of the liner as taught by Brunet '319 (paragraph 32).

Allowable Subject Matter

11. Claims 4, 5, 40 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3672

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS/pfs